

[PROPOSED]

INTERFERENCE INITIAL MEMORANDUM

EXAMINER'S INSTRUCTIONS: This form need not be typewritten. Complete the items below and forward to the Group Clerk with all files including those the benefit of which has been accorded. The parties need not be listed in any specific order. Use a separate form for each count.

(See MPEP 2309.02)

BOARD OF PATENT APPEALS AND INTERFERENCES: An interference is found to exist between the following cases:

This is count 1 of 1 count(s)

| 1. NAME | SERIAL NO. | FILING DATE | PATENT NO., IF ANY |
|----------------|------------|--------------|--------------------|
| Leithem et al. | 09/863,585 | May 16, 2001 | None |

The claims of this party which correspond to this count are:

Claims 104

The claims of this party which do not correspond to this count are:

None

*Accorded benefit of:

| COUNTRY | SERIAL NO. | FILING DATE | PATENT NO., IF ANY |
|---------|------------|------------------|--------------------|
| U.S.A. | 09/334,125 | June 15, 2000 | None |
| U.S.A. | 08/370,571 | January 18, 1995 | None |
| U.S.A. | 08/184,377 | January 21, 1994 | None |

| 2. NAME | SERIAL NO. | FILING DATE | PATENT NO., IF ANY |
|---------------|------------|-------------------|--------------------|
| Martin et al. | 08/924,149 | September 5, 1997 | 6,063,982 |

The claims of this party which correspond to this count are:

Claims 1-15

The claims of this party which do not correspond to this count are:

None

*Accorded benefit of:

| COUNTRY | SERIAL NO. | FILING DATE | PATENT NO., IF ANY |
|---------|------------|--------------|--------------------|
| U.S.A. | 08/499,115 | July 6, 1995 | 5,766,159 |

If a claim of any party is exactly the same as this count, it should be circled above. If not, type the count in this space (attach additional sheet if necessary):

Claims 1, 6 or 11 of the Martin '982 patent

OR

Claim 104 of the Leithem '585 application

Explanation of why each claim designated as corresponding to the count is directed to the same patentable invention as the count:

The count is a bifurcated count that includes as count alternatives the respective independent claims of the Martin '982 patent and the Leithem '585 application. The respective dependent claims correspond to the count because the additional limitations defined by those claims do not make them separately patentable.

*The serial number and filing date of each application the benefit of which is intended to be accorded must be listed. It is not sufficient to merely list the earliest application necessary for continuity.

| DATE | PRIMARY EXAMINER | TELEPHONE No. | ART UNIT |
|------|------------------|---------------|----------|
| | | | |

NOTE:
FORWARD ALL FILES INCLUDING THOSE
BENEFIT OF WHICH IS BEING ACCORDED.

GROUP DIRECTOR SIGNATURE (if required)